

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CRAIG FLICKINGER,

Plaintiff,

v.

MADONNA UNIVERSITY and DAVID HOULE,

Defendants.

Case No. 15-11003

Honorable John Corbett O'Meara

ORDER OF PARTIAL REMAND

Defendants recently filed Notice of Removal to this court. In his First Amended Complaint plaintiff Craig Flickinger alleged violations of Michigan's Persons with Disabilities Act in Count I and violations of the Americans with Disabilities Act of 1990 in Count II.

Although Plaintiff's cause of action arising under federal law is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations of the complaint are based solely on state law. The parties to this action are not diverse, and the court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Count I of the First Amended Complaint is **REMANDED** to the Circuit Court for the County of Wayne.

Date: April 14, 2015

s/John Corbett O'Meara
United States District Judge

I hereby certify that on April 14, 2015 a copy of this order was served upon counsel of record using the Court's ECF system.

s/William Barkholz
Case Manager